

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STEVEN DIXON PRENTICE,)
Petitioner,)
v.) 1:12CV1088
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

On October 11, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections [Doc. #5] to the Recommendation within the time limit prescribed by Section 636. The Court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation [Doc. #3] which is affirmed and adopted.

IT IS THEREFORE ORDERED that this action is DISMISSED *sua sponte* without prejudice to Petitioner filing a Petition under 28 U.S.C. § 2241 on the proper forms in the district where he is incarcerated to the extent he seeks to challenge the execution of his sentence by the Bureau of Prisons, and without prejudice to Petitioner filing a Motion under 28 U.S.C. § 2255 if he obtains authorization for filing a second or successive motion from the Court of Appeals for the Fourth Circuit to the extent he is raising challenges to his conviction or sentence in this Court, and without prejudice to Petitioner pursuing a claim under Federal Rule of Criminal Procedure 41(g) on the proper forms if that is his intent, and that, finding no substantial issue

for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This, the 20th day of November, 2013.



United States District Judge